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I hereby certify that the enclosed correspondence comprising: 1). Declaration under 37 CFR §1.130 (2 pages) w/attachment (28 pages) is being deposited with the United States Postal Service "Express Mail Post Office to addressee" in an envelope addressed to: Non-Fee Amendment, U.S. Patent & Trademark Office, P.O. Box 2327, Arlington, VA 22202, ATTN: Commissioner for Patents on March 13, 2002.

Kathy Raymond  
Kathy Raymond

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant :	Mariella	Docket No. :	IL-10560
Serial No. :	09/662,392	Art Unit :	1744
Filed :	09/14/00	Examiner :	Sean E. Conley
For :	DETECTION AND TREATMENT OF CHEMICAL AND BIOLOGICAL AGENTS		

**DECLARATION UNDER 37 CFR §1.131**  
**Declaration by Eddie E. Scott of Prior Invention**  
**by Raymond P. Mariella, Jr. to Overcome Cited Patent**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

I, Eddie E. Scott, hereby declare that:

- (1) I am a citizen of the United States and a resident of Danville,

California;

(2) My education includes: Bachelor of Science Degree, University of Wyoming; Master of Science Degree, University of Texas at Dallas; Juris Doctor Degree, University of Wyoming; Patent Office Academy, Basic and Advanced, United States Patent and Trademark Office, Washington, D. C.;

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(3) I am an active member of the State Bars of California, Texas, and Wyoming and I am registered to practice before the United States Patent and Trademark Office;

(4) I am employed by the University of California, at the Lawrence Livermore National Laboratory, Livermore, California, as Assistant Laboratory Counsel having held that position from June 1, 2000 to the present and I am empowered to act on behalf of The Regents of the University of California, the owner of the subject application;

(5) I was employed by the University of California, at the Lawrence Livermore National Laboratory, Livermore, California, as Business Development Specialist, Industrial Partnerships and Commercialization Office (IPAC) from May 1, 1999 until May 31, 2000;

(6) I am the attorney representing the inventor Raymond P. Mariella, Jr. in the subject application and I am the patent attorney who prepared and filed the subject application, U.S. Patent Application Serial No. 60/662,392, entitled "DETECTION AND TREATMENT OF CHEMICAL AND BIOLOGICAL AGENTS" describing and claiming an invention by Raymond P. Mariella, Jr. (hereinafter "The Invention");

(7) Raymond P. Mariella, Jr. completed a "RECORD OF INVENTION" describing The Invention in this country prior to September 3, 1999, a photostatic copy of which is attached hereto as Attachment A, the dates on the RECORD OF INVENTION have been blacked out; however, the dates are prior to September

3, 1999; September 3, 1999 is the filing date of the application from which U. S. Patent No. 6,263,816 matured;

(8) Raymond P. Mariella, Jr. continuously worked on testing, developing, and patenting The Invention during the period from the time when he made the first written description of The Invention and disclosed The Invention to others until September 14, 2000 when the subject application was filed (hereinafter "The Time Period");

(9) During The Time Period the Industrial Partnership and Commercialization Office (IPAC) of the Lawrence Livermore National Laboratory held monthly Invention Review Meetings and The Invention was reviewed at the Invention Review Meetings during The Time Period; IPAC continuously reviews inventions and prioritizes inventions for patent application filing; The Invention was reviewed and prioritized by IPAC during The Time Period; a photostatic copy of a database entry showing that The Invention was reviewed by IPAC during The Time Period is attached as Attachment B, the dates on the photostatic copy have been blacked out; however, dates showing that Raymond P. Mariella, Jr. made The Invention prior to September 3, 1999 are dates prior to September 3, 1999, and dates showing that The Invention was continuously worked on during The Time Period are dates during The Time Period;

(10) During The Time Period the Office of Laboratory Counsel (OLC) of the Lawrence Livermore National Laboratory, held monthly Invention Review

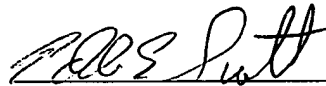
Meetings and The Invention was reviewed at the Invention Review Meetings during The Time Period; OLC prepares patent applications for filing according to a priority list; U.S. Patent Application Serial No. 60/662,392, entitled "DETECTION AND TREATMENT OF CHEMICAL AND BIOLOGICAL AGENTS" was prepared by OLC covering The Invention according to the priority list during The Time Period; a photostatic copy of a database entry showing that The Invention was reviewed and a patent application filed by OLC during The Time Period is attached as Attachment C, the dates on the photostatic copy have been blacked out; however, dates showing that Raymond P. Mariella, Jr. made The Invention prior to September 3, 1999 are dates prior to September 3, 1999, and dates showing that The Invention was continuously worked on during The Time Period are dates during The Time Period;

(11) I have obtained copies of documents maintained in the ordinary course of business of the University of California, the Lawrence Livermore National Laboratory, and the United States Department of Energy (DOE) showing that the inventor Raymond P. Mariella, Jr. diligently pursued The Invention during The Time Period; photostatic copies of the documents maintained in the ordinary course of business of the University of California, the Lawrence Livermore National Laboratory, and the United States Department of Energy (DOE) are attached hereto as Attachments D through V; the dates on the Attachments have been blacked out; however, dates showing that Raymond P. Mariella, Jr. made The Invention prior to September 3, 1999 are dates prior to

September 3, 1999, and dates showing that The Invention was continuously worked on during The Time Period are dates during The Time Period;

(12) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: February 27, 2002  
Livermore, California



(Signature)

Declarant: Eddie E. Scott